

429 Albert Street, Brunswick

June 2026

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1 Introduction

This report has been prepared on behalf of Stockland Developments Pty Ltd to accompany an application for a Planning Permit prepared and lodged under the Development Facilitation Program for the land at 429 Albert Street, Brunswick (the site).

Broadly, the application seeks permission for the construction of an 11-storey apartment building with a total of 223 apartments, 185 car parking spaces and 275 bicycle parking spaces.

Having regard to the applicable planning controls, the application seeks the following approvals:

Planning Scheme Clause No.	Description of what is proposed
Clause 32.04-7 Mixed Use Zone (MUZ)	Construct two or more dwellings on a lot
Clause 43.02-2 Design and Development Overlay – Schedule 26	Construct a building or construct or carry out works.
Clause 44.05-2 Special Building Overlay – Schedule 2	Construct a building or construct or carry out works.
Clause 52.06	To reduce the statutory car parking requirement.

This report provides:

- A description of the subject land and surrounds.
- A description of the relevant statutory framework in the Merri Bek Planning Scheme.
- A description of the proposed use and development.
- An assessment of the proposed planning application in relation to the relevant provisions of the Merri Bek Planning Scheme.

The project team comprises:

- **Stockland Developments Pty Ltd**
Applicant
- **Jackson Clements Burrows Architect**
Architect
- **Lat Studios**
Urban Design

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1 Introduction

- **Contour Consultants**
Town Planner
- **Eukai**
Traffic Engineer
- **Lat Studios**
Landscape
- **NDY**
Environmentally Sustainable Design
- **Onemilegrid**
Waste Management
- **MEL Consultants**
Wind Engineer

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Figure 1.1
Render of proposal from Clifton Park looking south-west

Source: Urban Context Report, prepared by Jackson Clements Burrows, May 2026



2 Subject Site and Surrounds

2.1 Subject Site

The site is known as 429 Albert Street, Brunswick and is formally described as:

- Lot 1 on Title Plan 962503
- Lot 1 on Title Plan 620065

A copy of the recent and relevant Title Particulars accompanies this application.

The site area is approximately 4,009 square metres in total.

The site has a frontage to Albert Street of approximately 49.4 metres and a depth of approximately 89 metres.

The site is located on the northern side of Albert Street and has an abuttal to Clifton Park to the northeast.

The site is currently vacant and contains two vehicular access points along Albert Street. A laneway extends from Pearson Street and intercepts midway along the site's western boundary.

The site currently benefits from Planning Permit No. MPS/2020/674 and allows:

- *“Construction of one eight and one nine storey apartment building (with roof terraces) containing dwellings, shop and food and drink premises and four, three storey dwellings, over two basement levels and a reduction in the standard car parking requirements...”*

The permit was issued at the direction of the Victorian Civil & Administrative Tribunal; reference Stockland Development Pty Ltd v Moreland CC [2022] VCAT 472 dated 5 May 2022.

The site is located within the City of Merri Bek municipality and is zoned Mixed Use (MUZ). The site's interfaces are zoned as follows:

- Northern Interface: 460 Victoria Street (Mixed Use Zone)
- Eastern Interface: Clifton Park (Public Park and Recreation Zone) and existing buildings to the east (Mixed Use Zone)
- Western Interface: Low-scale residential (Housing Choice and Transport Zone – Schedule 2)
- Southern Interface: Albert Street (Mixed Use Zone) and Gilpin Park (Public Park and Recreation Zone)

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2 Subject Site and Surrounds

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Figure 2.1
Aerial Photograph of the Subject Site

Source: Nearmap (dated 16 December 2025)



Figure 2.2
Cadastral Plan

Source: Vicplan



2 Subject Site and Surrounds

2.2 Immediate Surrounds

We provide the below explanation of the subject site's immediate interfaces.

North

To the north is 460 Victoria Street which is located within the Mixed Use Zone and is occupied by a four storey apartment building

There are a number of windows and sideages of balconies interfacing with the subject site.

East

To the east the site has an abuttal to Clifton Park which is within a Public Park and Recreation Zone (PPRZ). Clifton Park provides recreational amenities including a football oval, cricket pitch, skate park, pavilion and a basketball half court, as well as various pedestrian and shared paths. A number of trees and vegetation exist along the common boundary, and an informal walking path extends around the oval and along this interface.

To the southeast the site abuts 1/427 Albert Street, an irregular parcel of land which wraps around the southern portion of the Clifton Park oval.

On 27 March 2025, Planning Permit No. PA2403456 was issued for the land at 1/427 Albert Street, Brunswick (Lot 1 on Plan of Subdivision 056807) for the construction of an eight-storey mixed use (predominately residential) building.

South

To the south of the site is Albert Street, an approximately 16 metre wide local road with no nature strip or street planting along the north side of the street, directly adjacent to the subject site.

Further beyond Albert Street is Gilpin Park comprising a playground, shelter, table tennis tables, picnic and barbecue facilities.

West

To the west is a blue stone laneway and lower scale dwellings located within the Housing Choice and Transport Zone – Schedule 2. More specifically the site has a direct interface with the following properties:

- 437 Albert Street

A single storey dwelling with an area of secluded private open space sited to the north of the dwelling. vehicle access to the dwelling is provided via a gate accessed via the bluestone laneway.

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2 Subject Site and Surrounds

-
- Unit 5/44 Pearson Street

A two storey townhouse partially built to its eastern boundary with an area of private open space located in the south-east corner.

- Unit 3/44 Pearson Street

A two storey townhouse partially built to its eastern boundary. A vehicle crossover and garage faces east towards the subject site.

- 50-52 Pearson Street

A large parcel of land of approx. 914m². A number of outbuildings and sheds are located at the rear of the site and have a direct interface with the subject site.

A laneway extends east from Pearson Street towards the site's western boundary.

2.3 Broader Context

While the precinct has an industrial history, it was rezoned to Mixed Use Zone following Amendment C161 to the Merri-bek (then known as Moreland) Planning Scheme to allow for development in accordance with the *Merri-bek Industrial Land Use Strategy 2015- 2030* (MILS) which identifies the Site as a 'Transition Residential Area'.

The surrounding development consists of a mix of uses and developments as part of the Albert Street Urban Renewal Precinct in the City of Merri-Bek. Older industrial uses are being replaced by mixed use and large-scale developments.

Amongst this is the emerging character typified by larger buildings that have either been constructed or are approved, and are therefore likely to contribute to this transformation:

- 460 Victoria Street (4 storey constructed apartment building)
- 1/427 Albert Street (8 storey mixed use, predominantly residential, approval)
- 395 Albert Street (constructed maximum 11 storey apartment (build to rent) building).

The site benefits from good access to established services and amenities including:

- Brunswick railway station (approximately 830 metres to the east).
- Tram route 58 along Melville Road and Dawson Street which provides connection from West Coburg to Toorak.
- Various retail premises within the Brunswick Activity Centre which extends along Sydney Road to the east of the site.

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2 Subject Site and Surrounds

- Major metropolitan road infrastructure, including Citylink.
- The Brunswick Central Parklands consisting of Gilpin Park, Clifton Park, Brunswick Park, Reaburn Reserve and AG Gillion Oval.
- Bicycle infrastructure with off road trails, on road bicycle lanes and informal bicycle routes.

The following figures depict the subject site and surrounds.

Figure 2.3
Precinct Plan

Source: Urban Context Report prepared by Jackson Clemments Burrows



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2 Subject Site and Surrounds

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Figure 2.4
Aerial Photograph of Subject Site and Surrounds

Source: Nearmap (dated 16 December 2025)

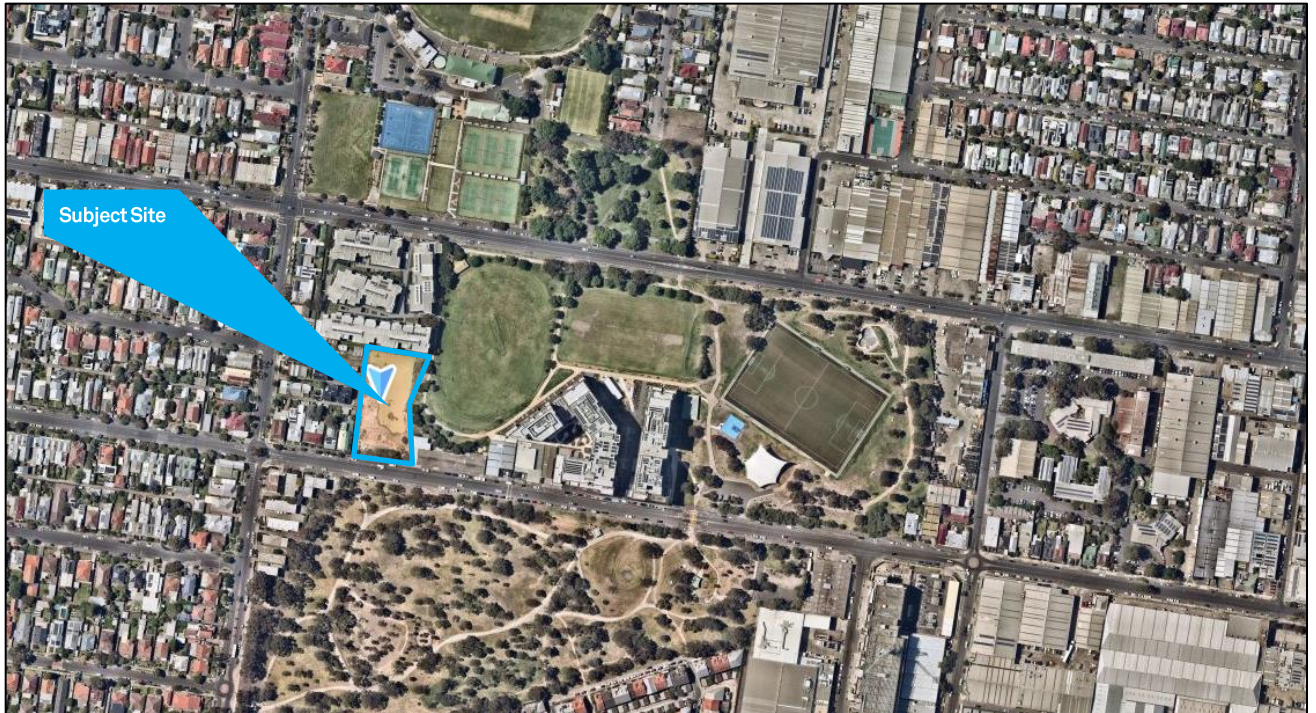
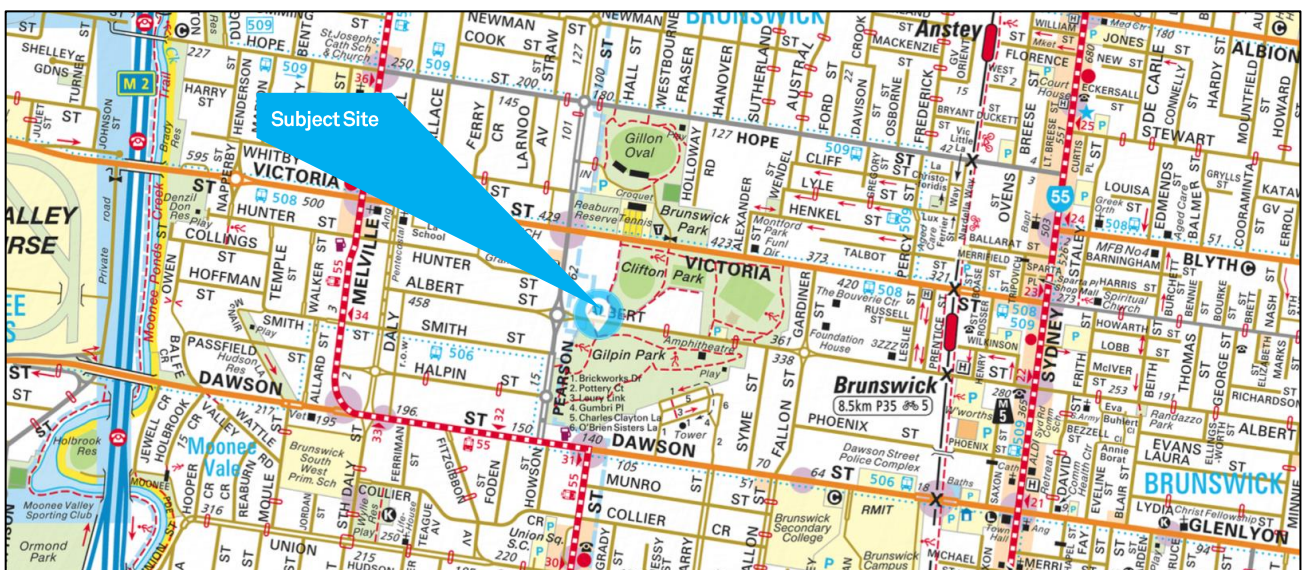


Figure 2.5
Melways Map

Source: MelwaysOnline (dated 2026)



2 Subject Site and Surrounds

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Figure 2.6
View towards site from Albert Street frontage



Figure 2.7
View east towards subject site from corner of Albert Street and Pearson Street



Figure 2.8
View towards subject site from Clifton Park



Figure 2.9
View towards subject site from laneway



Figure 2.10
Properties located west of subject site (No. 3/44 and 5/44 Pearson Street).

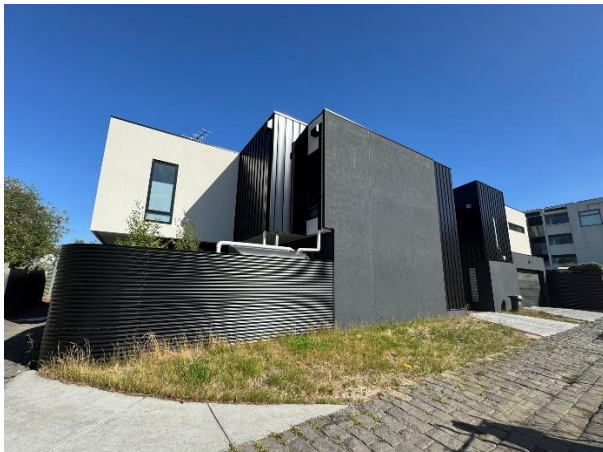


Figure 2.11
Northern interface (No. 460 Victoria Street).



3 Proposal

3.1 Planning Permit Application

The proposal includes the construction of an 11 –storey apartment building, as illustrated in the architectural plans prepared by Jackson Clements Burrows.

The arrangement of the proposal can generally be described as two key built form elements, sited to provide a central east-west pedestrian link from Clifton Park through the site with access to a publicly accessible pocket park, and a north-south pedestrian connection between Albert Street and Clifton Park.

In summary, the proposal includes:

- Total of 223 apartments, with a mix of 1, 2 and 3-bedroom dwellings.
- 185 car parking spaces across two basement levels.
- 275 bicycle parking spaces dispersed across the ground floor and within the basement.
- Pedestrian connections including a north-south link between the proposal, 427 Albert Street and Clifton Park, an east-west link between the existing laneway to the west and Clifton Park.
- Public realm upgrades including expanded landscape into Clifton Park, street tree planting along Albert Street and provision for a wombat crossing along Albert Street.
- Generously sized publicly accessible pocket part along the site's western boundary.
- An affordable housing contribution in the form of a 3% (of estimated construction cost) monetary contribution to the Social Housing Growth Fund.
- A 'Best Practice' ESD outcome, with key initiatives including (but not limited to) an 100% electric building, 7.5 star NatHERS average for apartments, 25kWp on-site renewable energy, rainwater harvesting, EV charging and waste management.
- On-site private waste management facilities.

A more detailed description of the proposal is provided below.

Basement Level

Two levels of basement parking are provided which comprise a total of 185 car spaces.

A loading bay for deliveries and waste collection is located at Basement Level 01 along with residential bicycle spaces.

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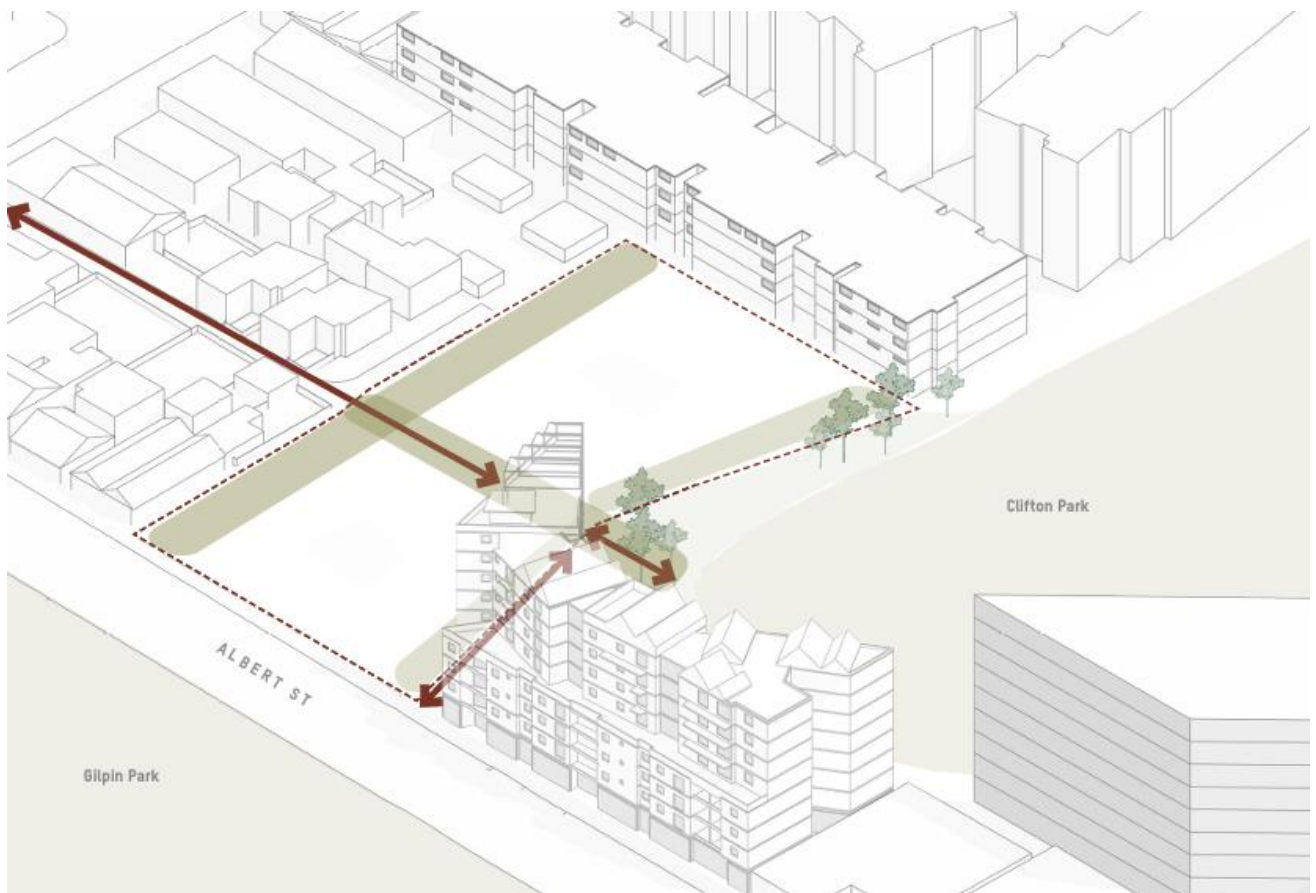
3 Proposal

Ground Level

A central lobby is located along the Albert Street frontage providing access to each lift and stairwell. Four apartments are oriented to Albert Street with a pedestrian path extending along the sites eastern interface and a crossover and vehicle access located along the western interface.

Figure 3.1
Arterial Pedestrian Link

Source: Urban Context Report, prepared by Jackson Clemments Burrows



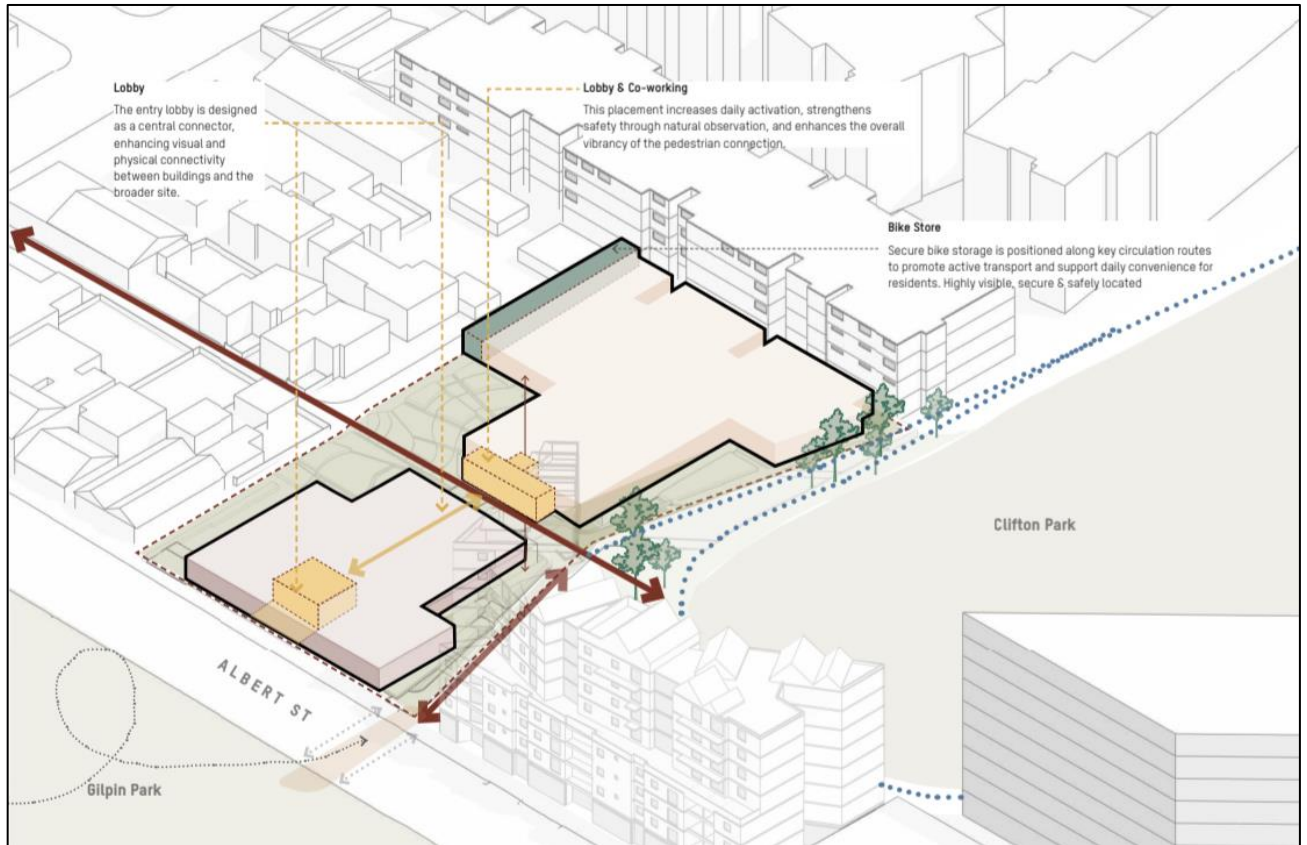
A central recess of the development at ground and first floor will create a break between the northern and southern portions of the built form which provides a planted communal area which connects directly to the western laneway, enhancing pedestrian permeability and activation. This space will feature planting, seating and bicycle parking with a further 38 vertical bicycle parking spaces are located within the bike store in the north-west corner of the site.

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3 Proposal

Figure 3.2
Porosity Through Site

Source: Urban Context Report, prepared by Jackson Clemments Burrows



A separate communal space/lobby is accessed through the ground and first floor central recess and provides access to apartments located within the northern portion of the land.

The proposal also includes provision for street tree planting along Albert Street and a wombat crossing.

Upper Levels

Level 1 provides two separate building forms with a central break providing separation and relief along the eastern elevation when viewed from the park.

At level 10, an approximate 9 metre break between the buildings will be introduced, designed as landscaped communal open space.

Setbacks across the development vary as follows:

- Between 5 metres from the northern boundary at ground floor and extending to approximately 10 metres at Level 11.
- Between 1 metre and approximately 10 metres from the eastern boundary at ground floor and extending to approximately 11 metres at Level 10.

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3 Proposal

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- Between approximately 3 metres from the southern boundary (Albert Street) at ground floor and extending to approximately 7 metres at Level 10.
- Between 0 metres and approximately 19 metres from the western boundary at ground floor and extending to 6 metres at Level 10.

Building Height

The building consists of 11 storeys and has a maximum height of approximately 33.5 metres to parapet.

An approximate 14.5 metre street wall presents to Albert Street with a 3 metre setback above the street wall.

The façade treatment, as detailed in the architectural plans and urban context report prepared by Jackson Clements Burrows Architects, includes a carefully considered palette of materials and colours. This approach introduces visual interest and articulation across the building forms, reinforcing the design intent and contributing to a high-quality streetscape presence.

The images below depict the proposal.

Figure 3.3
Proposal when viewed from Gilpin Park looking north

Source: Urban Context Report prepared by Jackson Clements Burrows



3 Proposal

Figure 3.4
Render of proposal from the north-south pedestrian
link looking north (left) and south (right)

Source: Urban Context Report prepared by Jackson Clemments Burrows



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4 Planning Scheme Provisions

4.1 Planning Policy Framework

The following Clauses within the Planning Policy Framework are relevant to the assessment of the application:

Municipal Planning Strategy

- Clause 02.01 Context
- Clause 02.02 Vision
- Clause 02.03 Strategic Directions
 - Clause 02.03-1 Settlement
 - Clause 02.03-4 Built environment and heritage
 - Clause 02.03-5 Housing
 - Clause 02.03-6 Economic development
- Clause 02.04 Strategic Framework Plan

Planning Policy Framework

- Clause 11 Settlement
 - Clause 11.01-1S Settlement
 - Clause 11.01-1R Settlement - Metropolitan Melbourne
 - Clause 11.02-1S Development capacity
- Clause 12 Environmental and Landscape Values
 - Clause 12.01-1L Biodiversity in Merri-bek
 - Clause 12.06-1S Urban forests
- Clause 13 Environmental Risks and Amenity
 - Clause 13.01-3S Urban heat
 - Clause 13.03-1S Floodplain management
 - Clause 13.04-1S Contaminated and potentially contaminated soil
 - Clause 13.05-1S Noise management
 - Clause 13.05-1L Noise Abatement
- Clause 15 Built Environment and Heritage
 - Clause 15.01-1S Urban design

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4 Planning Scheme Provisions

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- Clause 15.01-1R Urban design - Metropolitan Melbourne
 - Clause 15.01-1L Urban Design in Merri-bek
 - Clause 15.01-1L Vehicle access design in Merri-bek
 - Clause 15.01-2S Building design
 - Clause 15.01-2L Building design in Merri-bek
 - Clause 15.01-2L Apartment developments in Merri-bek
 - Clause 15.01-2L-04 Energy efficiency in Merri-bek
 - Clause 15.01-2L-05 Environmentally sustainable development
 - Clause 15.01-4S Healthy neighbourhoods
 - Clause 15.01-5S Neighbourhood character
 - Clause 16 Housing
 - Clause 16.01-1S Housing supply
 - Clause 16.01-1R Housing supply - Metropolitan Melbourne
 - Clause 16.01-1L Homes in Merri-bek
 - Clause 16.01-1L Housing for people with limited mobility
 - Clause 16.01-2S Housing affordability
 - Clause 16.01-2L Housing affordability Merri-bek
 - Clause 17 Economic Development
 - Clause 17.01-1S Diversified economy
 - Clause 17.01-1R Diversified economy - Metropolitan Melbourne
 - Clause 17.02-1S Business
 - Clause 17.02-2S Out-of-centre development
 - Clause 18 Transport
 - Clause 18.01-1S Land use and transport integration

4 Planning Scheme Provisions

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- Clause 18.01-3S Sustainable and safe transport
 - Clause 18.01-3R Sustainable and safe transport - Metropolitan Melbourne
 - Clause 18.01-3L Sustainable transport
 - Clause 18.02-1S Walking
 - Clause 18.02-2S Cycling
 - Clause 18.02-2L Cycling in Merri-bek
 - Clause 18.02-4L Car parking in Merri-bek
 - Clause 19 Infrastructure
 - Clause 19.01-1L Energy supply in Merri-bek
 - Clause 19.03-3S Integrated water management

Generally, the Planning Policy Framework identifies that planning is to anticipate and respond to the needs of existing and future communities, take advantage of settlement patterns, and facilitate sustainable development.

Strategies aim to direct larger scale development in and around Major Activity Centres and to promote good urban design which recognises cultural identity and neighbourhood character. Energy efficient outcomes are encouraged and the need to integrate land-use and transport is recognised as necessary to promote sustainable personal transport options.

Development encouraged to meet the needs of the community and provide net community benefit in relation to accessibility, efficient infrastructure use and the aggregation and sustainability of commercial facilities.

A summary of the key local planning policies is provided below:

Clause 12.01-1L – Biodiversity in Merri-bek

The objective of Clause 12.01-1L is:

- *To increase tree canopy cover and enhance the ecological values of the city.*

The strategies underpinning this objective are to (as it relates to the proposal):

- *Encourage the planting and retention of trees in the private realm.*

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4 Planning Scheme Provisions

- *Encourage a diversity of vegetation to promote climate pest and disease resilience.*

Clause 13.05-1L – Noise Abatement

The strategies of Clause 13.05-1L are to:

- *Design new residential developments and mixed use (incorporating residential) developments to minimise the potential negative amenity impacts of existing non-residential uses in the vicinity by:*
 - *Incorporating design and noise attenuation measures to protect residents from noise.*
 - *Locating bedrooms away from noise sources such as adjoining live music venues, late night entertainment venues, industrial uses, garbage collection areas, vehicle accessways, rail lines and busy roads.*

Clause 15.01-1-1L – Urban Design in Merri-bek

The strategies associated with Clause 15.01-1L are to:

- *Ensure site design, building frontages, design articulation and internal layout achieve a good interface with and surveillance of the public realm, including maximising opportunities for active frontages.*
- *Design development to contribute to a fine grain urban structure reflecting an appropriate balance of open space to built-form.*
- *Design development to contribute to a fine grain architectural expression with detailed street frontages.*
- *Ensure large sites provide a network of public streets, footpaths and lanes connecting through the site into the surrounding street and pedestrian network.*
- *Reallocate road space and existing car parking to create greener streets, such as through street tree planting.*
- *Encourage development to contribute to the upgrade of existing streets adjoining the site and undergrounding of powerlines and other utilities.*
- *Design development adjacent to public open space to provide a clear separation between public and private land.*
- *Design and site development to not unreasonably overshadow public open space.*

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- *Design development to provide a sense of safety by maximising interaction, passive surveillance and incidental lighting of open spaces.*
- *Ensure landscape design improves aesthetic quality and amenity for occupants and the public realm by:*
 - *Integrating development with the surrounding environment.*
 - *Providing for summer shading of buildings and private open spaces and allows for access to winter sun.*
 - *Contributing to reduction of the urban heat island effect.*
 - *Incorporating integrated water management and water sensitive urban design.*

Clause 15.01-1L –Vehicle Access Design in Merri-bek

The objective of Clause 15.01-1L is “to ensure provision of vehicle access contributes to an improved urban environment for pedestrians and cyclists”.

The following strategies of Clause 15.01-1L are relevant:

- *Ensure development utilises rear laneways for vehicle access where possible to allow street frontages to prioritise pedestrian movement and safety and to create active frontages.*
- *Limit the number of vehicle crossings provided to dwellings.*
 - *Support new vehicle crossovers where:*
 - *The number of crossovers is minimised to support pedestrian safety and sight lines.*
 - *Existing on street parking spaces and street trees are retained.*
- *Hard surfaces of accessways (including crossover) are minimised to provide opportunities for increased landscaping in front setbacks and streetscape planting.*
- *Remove redundant vehicle crossings and replace with reinstated kerb and channel, footpath, nature strip and street trees as appropriate.*

Clause 15.01-2L –Building Design in Merri-bek

The strategies associated with Clause 15.01-2L are to:

- *Encourage good-quality contemporary architecture.*
- *Ensure service infrastructure and waste storage facilities:*

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4 Planning Scheme Provisions

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- *Are well concealed and/or screened from the street or; integrated into building design.*
 - *Enable the provision of green infrastructure.*
 - *Design car parking facilities (crossovers, access ways, garages and carports) so to not dominate the streetscape.*
 - *Design car stackers to suitably buffer adjoining dwellings from all impacts.*
 - *Ensure development maximises the retention of existing vegetation and large trees and provides sufficient space and conditions for planting of new canopy and screening trees.*
 - *Ensure development provides adequate on-site loading areas and waste collection vehicles where appropriate.*

Clause 15.01-2L –Apartment Developments in Merri-bek

This policy applies to this application as it is an apartment development of five or more storeys.

Building setback and separation strategies include to design buildings to:

- *Allow adequate daylight to living rooms and bedrooms.*
- *Provide opportunities for open space and landscaping areas.*
- *Reduce overlooking into habitable rooms and private open space areas through location and design*
- *Provide a reasonable outlook from living areas.*
- *Enable the reasonable future development opportunities of adjoining sites.*
- *Manage the amenity impacts to adjoining sites.*
- *Achieve a greater level of privacy and higher levels of daylight compared to bedrooms.*

The following building setback and separation policy guidelines include to consider as relevant:

- *Whether the building setback requirements specified in Tables 1, 2 and 3 have been achieved:*
 - *Including to the side or rear boundary, a lane or another building within the same site.*
 - *As measured from glazing line or the external edge of any*

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4 Planning Scheme Provisions

balcony (whichever is the lesser) to the property boundary for setbacks specified in Table 1.

- *As measured from glazing line or the external edge of the balcony (whichever is the lesser) to the lane centre line for setbacks specified in Table 2.*
- *As measured from glazing line or the external edge of the balcony to the glazing line or external edge of the balcony, between buildings, whichever is the lesser for setbacks specified in Table 3.*

The reasonable future development opportunities for adjoining sites where a building does not achieve the building setback requirements specified in Tables 1, 2 and 3.

- *Whether building separation is not required provided:*
 - *There is no outlook from a living room to a side or rear boundary; and*
 - *It does not affect the reasonable future development opportunities of the adjoining site.*
- *Whether an existing residential development on an adjoining site does not meet the distances specified in Tables 1, 2 and 3, siting new development to achieve a comparable adequate setback (from a minimum of one metre and a maximum of three metres). The building setback requirements apply from the first level of residential use.*
- *Whether existing developments have reasonably incorporated access to daylight on their own site.*
- *Requiring no building separation where a continuous street wall is encouraged under the relevant place-based control to the extent necessary to comply with that control.*
- *For a development of nine or more storeys, building setbacks to the side or rear boundary should be as follows (from Table 1):*
 - *Living Room or Main Balcony Outlook to Boundary: 12 metres*
 - *Bedroom Outlook to Boundary: 6 metres*
- *Table 2 does not apply, as the subject site does not abut a laneway.*
- *Table 3 does not apply, as there are not multiple buildings proposed within the site.*

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4 Planning Scheme Provisions

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- The light wells strategy is as follows:
 - *Where bedrooms are serviced by a lightwell ensure they are of sufficient size to allow adequate daylight.*
 - *Design and locate windows in light spills to protect the privacy of occupants without relying solely on screening including through:*
 - *Staggering lightwells to avoid direct overlooking into existing bedroom windows in separate dwellings.*
- The light wells policy guidelines are to consider as relevant:
 - *Meeting the minimum width and area dimensions for light wells specified in Table 4 and:*
 - *Providing daylight access to bedrooms only.*
 - *Painting lightwells in a light reflective colour.*
- *Applying the light well requirements specified in Table 4 from the first level of residential use. The light well minimum width and area dimensions may be varied for buildings containing multiple levels of non-residential uses.*
- *Table 4 outlines the light well dimensions for a development of nine or more storeys:*
 - *Minimum width: 6 metres*
 - *Minimum area: 51 square metres*

Clause 15.01-2L-04 – Energy Efficiency in Merri-bek

The objective of Clause 15.01-2L-04 is:

- *To ensure development maximises passive energy efficiency and creates quality living and working environments.*

The strategies underpinning this objective are to:

- *Maximise the efficient use of energy through:*
 - *Building orientation and design that maximises solar access and passive design opportunities.*
 - *Building separation, building depth and orientation of internal living spaces that maximise access to daylight and natural ventilation.*
- *Design development to provide for the ability of adjoining sites to gain adequate access to daylight and outlook (including if*

4 Planning Scheme Provisions

redevelopment was to occur) through responsive building separation distance and heights and location of primary outlooks.

Clause 15.01-2L-05 – Environmentally Sustainable Development

The objective of Clause 15.01-2L-05 is:

- *To achieve best practice in environmentally sustainable development from the design stage through to construction and operation.*

Clause 15.01-2L-05 sets out a range of strategies which underpin this objective and relate to: Energy Performance, Integrated Water Management, Indoor Environmentally Quality, Transport, Waste Management and Urban Ecology.

Clause 15.05-2L-05 also requires the preparation of a Sustainable Management Plan for a building used for accommodation other than dwellings with a gross floor area of more than 1,000sqm.

Clause 16.01-1L – Homes in Merri-bek

Relevant strategies that apply to Clause 16.01-1L include:

- *Encourage increased density housing in the form of apartments and townhouses in areas identified as ‘Significant Housing Growth’ on the Strategic Framework Plan: Housing at Clause 02.04.*
- *Encourage infill medium density development that contributes to an enhanced landscape in areas identified as ‘Incremental Housing’ on the Strategic Framework Plan: Housing at Clause 02.04.*
- *Encourage a mix of single dwellings and lower density multi-dwelling developments that contribute to a low density, open and landscaped character in areas identified as ‘Minimal Housing Growth’ on the Strategic Framework Plan: ‘Housing’ at Clause 02.04.*
- *Encourage residential rezoning in areas identified as ‘Transition Residential’ Areas on the Strategic Framework Plan: Housing at Clause 02.04.*

Clause 16.01-1L – Housing for People with Limited Mobility

The strategies associated with Clause 16.01-1L are to:

- *Encourage the provision of housing that can be lived in by people with limited mobility (or easily adapted to be lived in) by incorporating the following design features:*
 - *An accessible path from the street and car park areas to a level entry.*

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4 Planning Scheme Provisions

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- *A clear path of travel from the accessible entry to a living area and toilet.*
 - *A bedroom, living area, kitchen, private open space, bathroom and toilet for people with limited mobility on entry level.*

Clause 16.01-2L – Housing Affordability in Merri-bek

Relevant strategies that apply to Clause 16.01-2L include:

- *Encourage developments to include affordable housing to be owned and managed by a registered housing association, registered housing provider or the Director of Housing.*
- *Encourage public landowners to use surplus land for the provision of social and affordable housing.*

4.2 Zoning

The subject site is located within the Mixed Use Zone (MUZ) of the Merri-Bek Planning Scheme.

Pursuant to Clause 32.04 the purpose of the MUZ is:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To provide for a range of residential, commercial, industrial and other uses which complement the mixed-use function of the locality.*
- *To provide for housing at higher densities.*
- *To encourage development that responds to the existing or preferred neighbourhood character of the area.*
- *To facilitate the use, development and redevelopment of land in accordance with the objectives specified in a schedule to this zone.*

Under the provisions of the Mixed Use Zone, the following is noted:

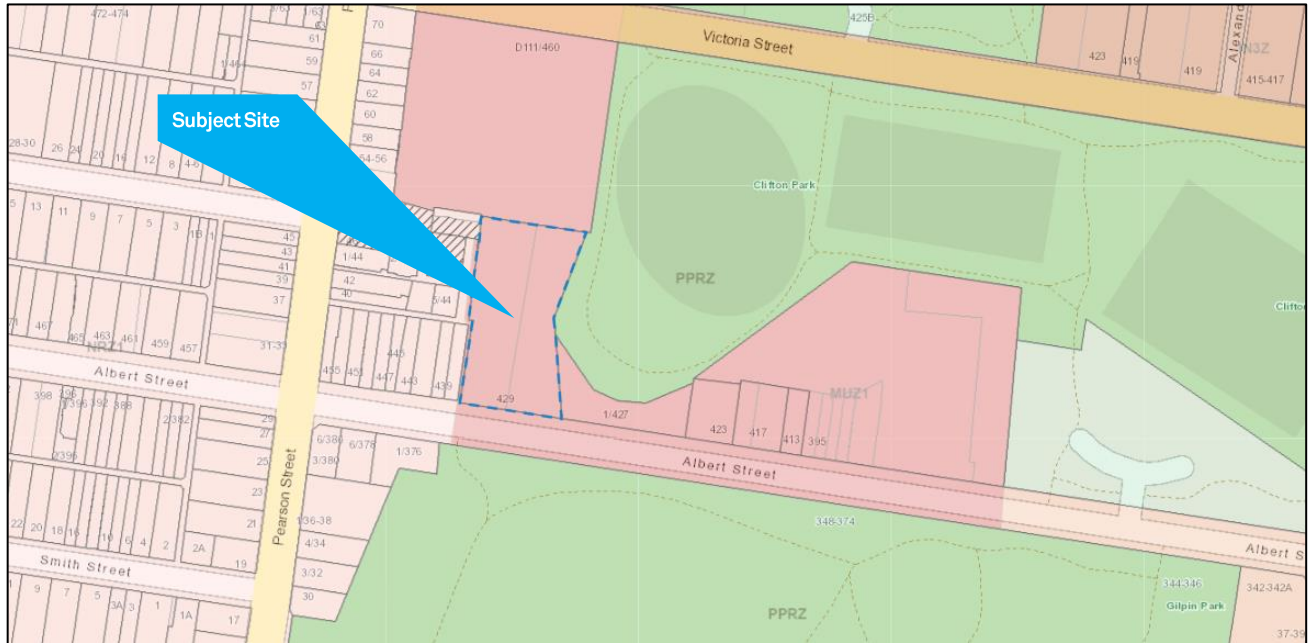
- A permit is not required for use of the land for 'Dwelling'.
- A permit is required to construct two or more dwellings on a lot (Clause 32.04-7).
- An apartment development of five or more storeys, excluding a basement, must meet the requirements of Clause 58.

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4 Planning Scheme Provisions

Figure 4.1
Zoning Map – Site and Surrounds

Source: Vicplan



4.3 Overlays

The subject site is affected by the following overlays

- Design and Development Overlay – Schedule 26 (DDO26) – 395-429 Albert Street, Brunswick – Albert Street Urban Renewal Precinct
- Special Building Overlay – Schedule 2 (SBO2) – Council Drains
- Environmental Audit Overlay (EAO)
- Development Contributions Plan Overlay – Schedule 1 (DCPO) – Merri-Bek Development Contributions Plan

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Clause 43.02 – Design and Development Overlay

The purpose of the Design and Development Overlay is:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework*
- *To identify areas which are affected by specific requirements relating to the design and built form of new development*

In accordance with Clause 43.02-2, a permit is required to construct a building or construct or carry out works.

The DDO26 relates to 395-429 Albert Street, Brunswick –Albert Street Urban Renewal Precinct.

The design objectives of DDO26 are:

- *To support quality medium density residential development that is mid-rise built form in character, with a pedestrian scale to the precinct edges and a western interface that is scaled down and provides a separation to respond to the lower scale and heritage significance of existing dwellings.*
- *To provide a quality public realm interface by including a visual and public pedestrian connection between Albert Street and Clifton Park, a high level of passive surveillance to external public spaces and internal communal areas, and quality landscape design to integrate into the parkland context.*
- *To ensure building massing, separation and orientation optimises park views for new dwellings.*
- *To ensure reasonable future development potential for the precinct, and encourage site consolidation to improve overall design and development outcomes.*
- *To prioritise pedestrian and cycle movements over vehicle movements within and around the precinct.*

Subclause 2.0 of the DDO26 sets out various built form requirements relating to built form, Albert Street interfaces, Clifton Park interfaces, Western Residential interface, Circulation, Access and Parking, Landscaping and Reasonable future development potential.

A thorough assessment of the proposal against DDO26 design objectives and built form requirements is provided at Section 5.4 of this report.

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4 Planning Scheme Provisions

Clause 44.05 – Special Building Overlay

The purpose of the SBO is:

- *Implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To identify land in urban areas liable to inundation by overland flows from the urban drainage system as determined by, or in consultation with, the floodplain management authority.*
- *To ensure that development maintains the free passage and temporary storage of floodwaters, minimises flood damage, is compatible with the flood hazard and local drainage conditions and will not cause any significant rise in flood level or flow velocity.*
- *To protect water quality and waterways as natural resources by managing urban stormwater, protecting water supply catchment areas, and managing saline discharges to minimise the risks to the environmental quality of water and groundwater.*

Pursuant to Clause 44.05-2, a permit is required to construct a building or to construct or carry out works.

Pursuant to Clause 44.05-6, an application must be referred to the relevant floodplain management authority under Section 55 of the Act unless in the opinion of the responsible authority, the proposal satisfies requirements or conditions previously agreed to in writing between the responsible authority and the floodplain management authority.

Clause 45.06 – Development Contributions Plan Overlay

The whole of the subject site is affected by Schedule 1 to the Development Contributions Overlay.

The purpose of the Development Contributions Overlay is:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To identify areas which require the preparation of a development contributions plan for the purpose of levying contributions for the provision of works, services and facilities before development can commence.*

Schedule 1 to the Development Contributions Plan sets out the summary of costs applicable to development.

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4 Planning Scheme Provisions

Clause 45.03 – Environmental Audit Overlay

The purpose of the Environmental Audit Overlay is:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To ensure that potentially contaminated land is suitable for a use which could be significantly adversely affect by any contamination.*

Clause 45.03-1 requires that:

Before a sensitive use (residential use, childcare centre, kindergarten, pre-school centre, primary school, even if ancillary to another use), children's playground or secondary school commences or before the construction or carrying out of buildings and works in association with these uses commences:

- *A preliminary risk screen assessment statement in accordance with the Environment Protection Act 2017 must be issued stating that an environmental audit is not required for the use or the proposed use; or*
- *An environmental audit statement under Part 8.3 of the Environment Protection Act 2017 must be issued stating that the land is suitable for the use or proposed use; or*
- *A certificate of environmental audit must be issued for the land in accordance with Part IXD of the Environment Protection Act 1970; or*
- *A statement of environmental audit must be issued for the land in accordance with Part IXD of the Environment Protection Act 1970 stating that the environmental conditions of the land are suitable for the use or proposed use.*

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4.4 Particular, General and Operational Provisions

The following particular, general and operational provisions of the Merri-Bek Planning Scheme are also relevant to this application:

- Clause 52.06 Car Parking
- Clause 52.34 Bicycle Facilities
- Clause 53.18 Stormwater Management in Urban Development
- Clause 53.23 Significant Residential Development with Affordable Housing
- Clause 58 Apartment Developments
- Clause 65 Decision Guidelines

4 Planning Scheme Provisions

- Clause 72.08 Background Documents

Clause 52.06 – Car Parking

The purpose of Clause 52.06 is:

- *To ensure that car parking is provided in accordance with the Municipal Planning Strategy and the Planning Policy Framework.*
- *To ensure the provision of an appropriate number of car parking spaces having regard to the demand likely to be generated, the activities on the land and the nature of the locality.*
- *To support sustainable transport alternatives to the motor car.*
- *To promote the efficient use of car parking spaces through the consolidation of car parking facilities.*
- *To ensure that car parking does not adversely. Affect the amenity of the locality.*
- *To ensure that the design and location of car parking is of a high standard, creates a safe environment for users and enables easy and efficient use.*

Clause 52.06-1 sets out that Clause 52.06 applies to:

- *a new use; or*
- *an increase in the floor area or site area of an existing use; or*
- *an increase to an existing use by the measure specified in Column C of Table 1 in Clause 52.06-5 for that use.*

Pursuant to Clause 52.06-3 a permit is required to:

- *Reduce (including reduce to zero) the number of car parking spaces required under Clause 52.06-5 or in a schedule to the Parking Overlay.*

Clause 52.06-5 sets out the number of car parking spaces required for various land uses. It is noted that the subject site is included in the PPTN and is within Category 2 under the Car Parking Requirements (CPR) mapping. Clause 52.06-5 provides the relevant rates for the proposed land use:

Use	Car Parking Space Rate
Dwelling (per dwelling)	Minimum - 1 space

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The proposal includes 185 car spaces and therefore the proposal requires a reduction in the statutory car parking requirements.

The Transport Impact Assessment prepared by Eukai provides further detail of the proposal and includes a car parking demand assessment.

Clause 52.34 – Bicycle Facilities

The purpose of this provision is:

- *To encourage cycling as a mode of transport.*
- *To provide secure, accessible, and convenient bicycle parking spaces and associated shower and change facilities.*

This clause includes the recommended statutory provisions for the design and quantum of bicycle facilities to be provided in association with new use and development.

The following rates for the proposed uses are required:

Dwelling: *Resident: In developments of four or more storeys, 1 to each 5 dwellings.*

Visitor: In developments of four or more storeys, 1 to each 10 dwellings.

The proposed development generates a requirement to provide 67 bicycle spaces, comprising 45 resident spaces and 22 visitor spaces.

The proposal provides 275 bicycle spaces exceeding the statutory requirement.

We refer to the Transport Impact Assessment prepared by Eukai for further details.

Clause 53.18 – Stormwater Management in Urban Development

The purpose of Clause 53.18 is:

- *To ensure that stormwater in urban development, including retention and reuse, is managed to mitigate the impacts of stormwater on the environment, property and public safety, and to provide cooling, local habitat and amenity benefits.*

The proposal includes appropriate stormwater management initiatives. We refer to the Sustainability Management Plan, inclusive of Water Sensitive Urban Design response, prepared by NDY for particulars.

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4 Planning Scheme Provisions

Clause 53.23 – Significant Residential Development with Affordable Housing

The purpose of Clause 53.23 is:

- *To facilitate residential development that contributes to the provision of affordable housing to meet existing and future needs.*
- *To facilitate the redevelopment and renewal of public housing stock to meet existing and future needs.*
- *To facilitate residential development carried out by the State of Victoria or jointly or in partnership with the private sector, including via innovative funding, investment and partnership approaches.*
- *To facilitate residential development with high quality urban design, architecture and landscape architecture.*
- *To provide opportunities for non-residential use and development in association with residential development.*

Pursuant to Clause 53.23-01 the clause applies to an application under any provision of this planning scheme if the condition corresponding to a category in Table 1 is met.

The relevant category is Category 1, with the associated condition being that:

- *The estimated cost of the proposed development of land for accommodation (other than camping and caravan park, group accommodation, residential hotel and small second dwelling) as specified in a report prepared by a suitably qualified quantity surveyor must be one of the following to the satisfaction of the Minister for Planning:*
 - *At least \$50 million if any part of the land is in metropolitan Melbourne.*
 - *At least \$15 million if the land is not in metropolitan Melbourne.*
- *The application includes an affordable housing report required under clause 53.23-3 that demonstrates how the affordable housing contribution specified in clause 53.23-4 (being at least 10 per cent of the total number of dwellings in the proposed development provided as affordable housing or an alternative contribution towards the provision of affordable housing) is intended to be provided if a permit is granted.*

Information demonstrating the likely feasibility of the proposed development is provided to the satisfaction of the Minister for Planning. This must include written advice from the Chief Executive Officer or delegate, Invest Victoria.

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Pursuant to Clause 53.22-2 the Responsible Authority may waive or vary minimum garden area requirements, building height or setback requirements, a condition opposite a use in Section 2 in a zone or a schedule to a zone and any application requirement in the Merri-bek planning scheme if in the opinion of the responsible authority the requirement is not relevant to the assessment of the application.

This does not include a decision that would be inconsistent with an approved Statement of Planning Policy for a declared area.

The application requirements under Clause 52.23-3 are as follows:

- *A report prepared by a suitably qualified quantity surveyor which specifies the estimated cost of the proposed development of land for accommodation to the satisfaction of the Minister for Planning.*
- *A report (affordable housing report) that outlines how a proposed contribution to the provision of affordable housing is intended to be provided should a permit be granted, including the following:*
 - *The nature of the proposed contribution.*
 - *The methodology for the delivery of the proposed contribution.*
 - *The proposed monetary value of the contribution (as a percentage of the estimated cost of the proposed development of land for accommodation).*
- *If the application includes a non-residential use or development, information about the purpose of the use and the types of activities proposed to be carried out.*

Pursuant to Clause 53.23-4, the responsible authority must include the following condition in deciding to grant a permit:

“Before the use or development of the land begins, excluding demolition, excavation, piling, site preparation works, and works to remediate contaminated land, the owner of the land must enter into an agreement with the responsible authority under section 173 of the Act, in a form to the satisfaction of the responsible authority, that provides for a contribution towards affordable housing (affordable housing contribution) by way of either of the following options:

- *At least 10 per cent of the total number of dwellings in the development must be provided as affordable housing for sale or lease to a registered housing agency or to Homes Victoria. The details of when and how the affordable housing will be delivered, and the total value of the affordable housing contribution must be set out in the agreement. The affordable housing dwellings provided should be representative of the approved dwelling mix to the satisfaction of the responsible authority.*

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- *An alternative contribution towards the provision of affordable housing must be provided to the satisfaction of the responsible authority. The details of when and how the alternative contribution is to be made, and the total value of the affordable housing contribution must be set out in the agreement to the satisfaction of the responsible authority.*

The landowner must pay the responsible authority's reasonable costs of the preparation, execution, registration and ending of the section 173 agreement (where applicable)."

Under Clause 53.23-5, an application under any provision of this planning scheme is exempt from the decision requirements of sections 64(1), (2) and (3), and the review rights of sections 82(1) of the Act.

Clause 58 – Apartment Developments

The purpose of Clause 58 is:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To encourage apartment development that provides reasonable standards of amenity for existing and new residents.*
- *To encourage apartment development that is responsive to the site and the surrounding area.*

Provisions in this clause apply to an application to construct or extend an apartment development, or to construct or extend a dwelling in or forming part of an apartment development, if:

- *The apartment development is seven storeys or more, excluding a basement, and is in the General Residential Zone, Residential Growth Zone, Housing Choice and Transport Zone, Mixed Use Zone or Township Zone*

A Clause 58 assessment prepared by our office accompanies this application.

Clause 65 – Decision Guidelines

This Clause sets out the matters the Responsible Authority must consider, as appropriate, prior to the approval of an application or plan

Before deciding on an application or approval of a plan, the responsible authority must consider, as appropriate:

- *The matters set out in section 60 of the Act.*
- *Any significant effects the environment, including the contamination of land, may have on the use or development.*

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- *The Municipal Planning Strategy and the Planning Policy Framework.*
- *The purpose of the zone, overlay or other provision.*
- *Any matter required to be considered in the zone, overlay or other provision.*
- *The orderly planning of the area.*
- *The effect on the environment, human health and amenity of the area.*
- *The proximity of the land to any public land.*
- *Factors likely to cause or contribute to land degradation, salinity or reduce water quality.*
- *Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.*
- *The extent and character of native vegetation and the likelihood of its destruction.*
- *Whether native vegetation is to be or can be protected, planted or allowed to regenerate.*
- *The degree of flood, erosion or fire hazard associated with the location of the land and the use, development or management of the land so as to minimise any such hazard.*
- *The adequacy of loading and unloading facilities and any associated amenity, traffic flow and road safety impacts.*
- *The impact the use or development will have on the current and future development and operation of the transport system.*

Clause 72.08 Background Documents

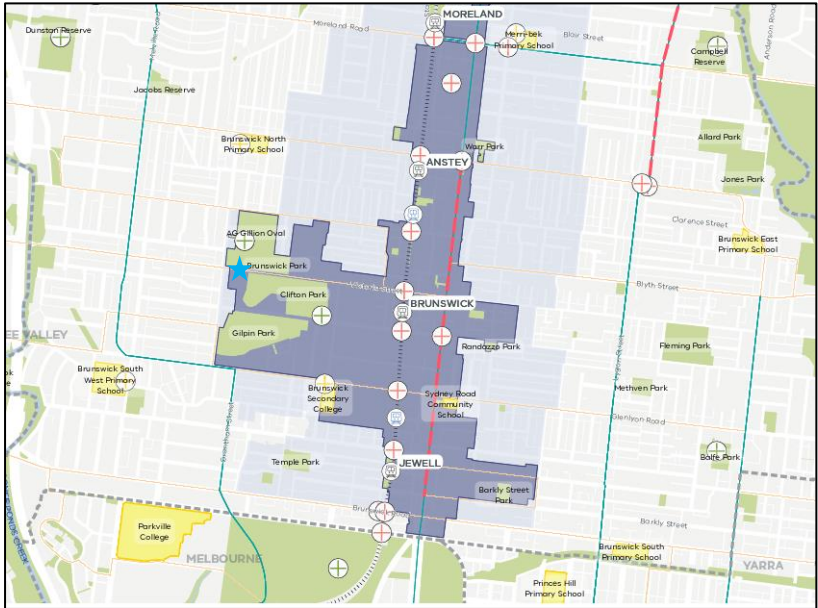
The following background documents are relevant:

- *Plan for Victoria: Metropolitan Planning Strategy (Department of Transport and Planning, February 2025).*
- *Moreland Apartment Design Code (Moreland City Council, September 2015)*
- *Moreland Industrial Land Strategy 2015-2030 (Moreland City Council, July 2016)*
- *Merri-bek Train and Tram Zone Activity Centres Plan (Department of Transport and Planning, 2026)*

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Specifically in relation to the Merri-bek Train and Tram Zone Activity Centres Plan (Department of Transport and Planning, 2026), the site is located in the Train and Tram Zone Activity Centre Core as identified below.

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The activity centre core is described to be the “...central part of the activity centre, closest to public transport, jobs and services”.

The expected change in the activity centre core areas is described below:

Each activity centre core will change gradually over the next few decades, providing the new homes we need between now and 2051. It is likely that larger and unused blocks of land will be developed first, as they provide the best opportunities to deliver new homes the soonest.

4.5
Permit Triggers

The application seeks permission under the following clauses:

Planning Scheme Clause No.	Description of what is proposed
32.04 (MUZ)	Construct two or more dwellings on a lot
43.02-2 (DDO)	Construct a building or construct or carry out works
44.05 (SBO)	Construct a building or construct or carry out works
52.06 (Car Parking)	To reduce the statutory car parking requirement

5 Planning Assessment

5.1 Overview

The starting point of an assessment of the new proposal must be against the Planning Scheme and not a comparison to the existing approval. That said, the previous planning decision and the key planning considerations are useful, particularly given the planning controls and policy settings in place now are generally consistent with those at the time of the previous decision

Having regard to the applicable provisions within the Merri-Bek Planning Scheme, the site's locational context and the nature of the proposal, the key planning considerations are:

- Strategic planning considerations
- Affordable housing response
- Design and built form considerations
- Environmentally sustainable design
- Car parking, traffic, access and bicycle parking considerations
- Waste considerations
- Wind consideration

An assessment of each of these matters is provided in the following sections.

5.2 Strategic Planning Considerations

There is no permit trigger for use of the land for dwellings, however there is broad support within the Planning Policy Framework (PPF) for higher density residential developments that assist with urban consolidation as well as the provision for housing diversity.

Specifically, with regard to the PPF, the proposal responds as follows:

- The subject land represents a unique opportunity given its size (two substantial sized lots, comprising of 4,016 square metres) and its strategic location and will provide for housing at higher densities consistent with the outcomes sought by the Mixed Use Zone.
- The proposal provides for additional housing growth in an established area within close proximity to the Brunswick Activity Centre, achieving the 20-minute neighbourhood principle and providing urban densification in proximity to public transport and services (Clause 02.03-1 Settlement).
- The proposal incorporates sustainable design elements throughout the building design consistent with Councils' sustainable design initiatives and the application is supported by a Sustainability Management Plan consistent with Clause 15.01-2L-05.
- Building siting, orientation and internal layouts have responded to Councils' local policy (Clause 15.01-2L – Apartment developments).

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- The proposal responds to its site context and enhances the public realm amenity, supports walking/cycling and public transport with quality landscaping and minimal detriment to amenity and the environment (Clause 15.01-1S Urban Design).
- Wind Report demonstrates the proposal will maintain reasonable wind conditions within the public realm (Clause 15.01-1L Urban Design).
- The proposed built form provides for design articulation and internal layouts that achieve a good interface with and surveillance of the public realm whilst also maximising opportunities for active frontages (Clause 15.01-1L Urban Design in Merri Bek).
- The proposal provides for a central break at ground and first floor level which creates a through connection between the park and the existing laneway to the west (Clause 15.01-1L Urban Design in Merri Bek).
- The project facilitates well-located, diverse housing that provides a mix of housing options and meets changing household needs (Clause 16.01-1S Housing supply).
- The proposal includes a monetary contribution to achieve a 10% affordable housing outcome (Clause 16.01-2S Housing affordability).
- The development supports alternative modes of transport, including walking, cycling and public transport (Clauses 18.01-3S Sustainable & safe transport and Clause 18.01-3L Sustainable Transport).

On the basis of the above, the proposal aligns with the planning outcomes and objectives sought by the Merri bek Planning Scheme.

5.3 Clause 53.23 – Significant Residential Development with Affordable Housing

The proposal is submitted pursuant to Category 1 of Table 1 at Clause 52.23-1 (Significant Residential Development with Affordable Housing).

The proposal has an estimated cost of \$128,153,000 and will provide a cash contribution equal to 3% of the development cost to the Social Housing Growth Fund (SHGF). In principle, this will result in a contribution of approximately \$3,844,590.

In response to the provisions of Clause 53.23-2 (Planning Scheme Requirements), the proposal:

- Is not subject to the minimum garden area requirement.
- Does not seek to vary any mandatory building height or setback requirements given the built form controls associated with Schedule 26 to the DDO are discretionary.

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In response to the provisions of Clause 53.23-4 (Permit Condition Requirement), the proposal seeks to provide affordable housing in the context of a monetary contribution. As such, the following condition of permit will apply to this proposal:

- *“Before the use or development of the land begins, excluding demolition, excavation, piling, site preparation works, and works to remediate contaminated land, the owner of the land must enter into an agreement with the responsible authority under section 173 of the Act, in a form to the satisfaction of the responsible authority, that provides for a contribution towards affordable housing (affordable housing contribution) by way of either of the following options:*
 - *At least 10 per cent of the total number of dwellings in the development must be provided as affordable housing for sale or lease to a registered housing agency or to Homes Victoria. The details of when and how the affordable housing will be delivered and the total value of the affordable housing contribution must be set out in the agreement. The affordable housing dwellings provided should be representative of the approved dwelling mix to the satisfaction of the responsible authority.*
 - *An alternative contribution towards the provision of affordable housing must be provided to the satisfaction of the responsible authority. The details of when and how the alternative contribution is to be made and the total value of the affordable housing contribution must be set out in the agreement to the satisfaction of the responsible authority.*
- *The landowner must pay the responsible authority’s reasonable costs of the preparation, execution, registration and ending of the section 173 agreement (where applicable)."*
- The above requirement to include a condition does not apply if any of the following apply:

Pursuant to Clause 53.23-5:

- *An application under any provision of this planning scheme is exempt from the decision requirements of sections 64(1), (2) and (3), and the review rights of sections 82(1) of the Act.*

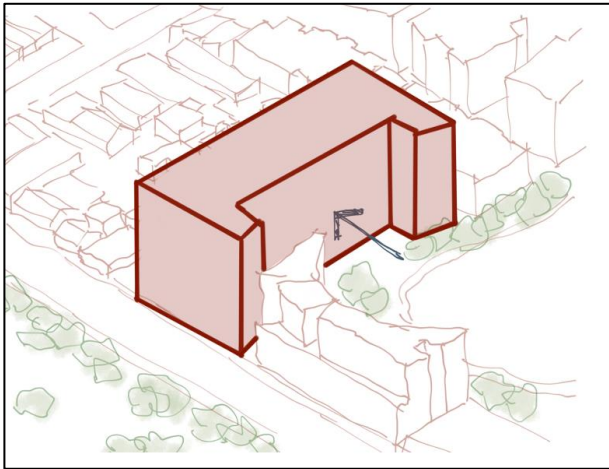
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5.4 Design and Built Form Considerations

The key planning consideration in relation to the design and built form considerations is Design and Development overlay Schedule 26 (Albert Street Urban Renewal Precinct).

The proposal appropriately responds to the relevant design objectives within DDO26 as follows:

DDO Requirement	Compliance	Comments
Built Form		
<i>Building siting, separation and orientation should optimise park views for new dwellings and public paths as indicated in the Framework Plan at Map 1.</i>	Achieved.	The siting, separation and orientation of the proposal have been carefully considered to maximise views towards Clifton Park, Gilpin Park and the proposed new publicly accessible connections.
<i>Development should avoid creating a continuous wall of built form along the Clifton Park and Albert Street frontages by providing physical breaks between buildings.</i>	Achieved.	<p>The proposal avoids creating a continuous wall of built form along Clifton Park through articulated massing, varying building heights, boundary setbacks and landscaping. A central break is also proposed which creates a perceptible separation when viewed from the surrounds as can be shown in the figures below.</p> <p>The modular expression of the proposal is created varying building setbacks and the rhythm and depth of balcony projections</p> <p>This expression and articulated massing is carried through to the Albert Street elevation, including a defined podium with upper level setbacks containing landscaping.</p> <p><u>Figure 5.1 & 5.2 – Breaking Down Visual Bulk – Urban Context Report, prepared by Jackson Clemments Burrows</u></p> 

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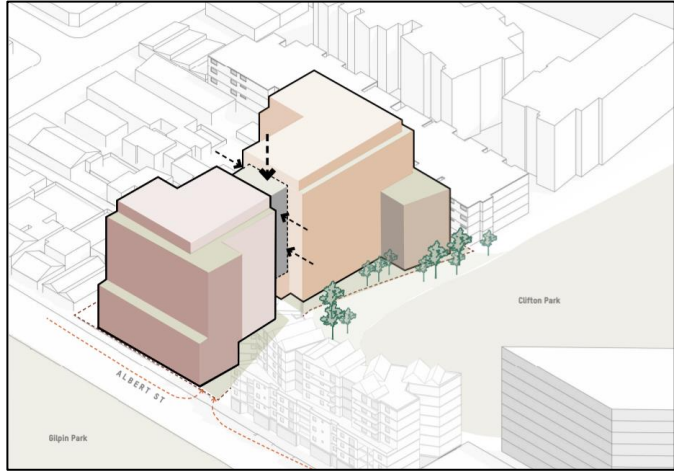


Figure 5.3 – Proposal when viewed from Gilpin Park looking north-west



Figure 5.4 – Proposal when viewed from Clifton Park looking south-west



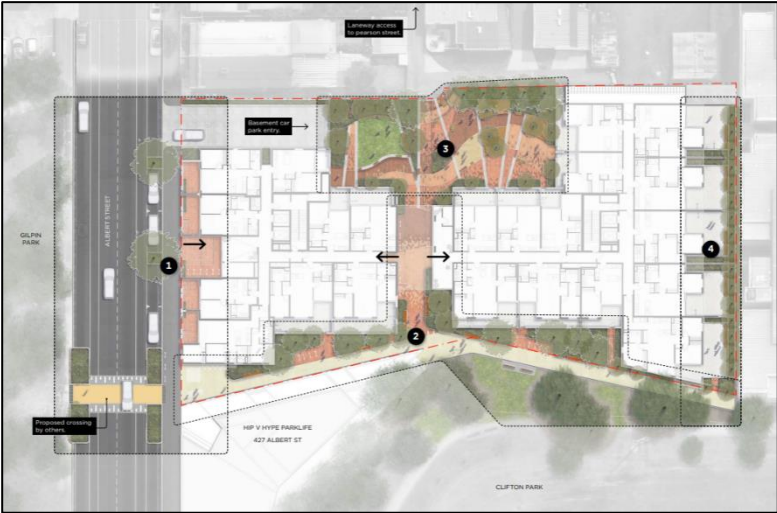
Visual connections between Albert Street and Clifton Park should be provided, primarily

Achieved.

The proposal creates a visual connection between Albert Street and Clifton Park through the creation of a north-south pedestrian link which is measured at 2 metres in width. The link features a pedestrian and bike friendly pathway, with opportunities for bicycle parking, landscaping and

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<p>through a new network of public streets and/or pedestrian paths through the site and through breaks between buildings.</p>	<p>also provides a direct connection to the proposed east-west link which also connects to a landscaped pocket park along the western boundary of the proposal.</p> <p>Figure 5.5 –Landscape Concept Town Planning Report prepared by Lat Studios</p>  <p>Figure 5.6 –Landscape Concept –Landscape Concept Town Planning Report prepared by Lat Studios</p> 
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		<p><u>Figure 5.7 – Albert Street Corner Entry – Urban Context Report prepared by Jackson Clemments Burrows</u></p>  <p><u>Figure 5.8 – Laneway to Clifton Park – Urban Context Report, prepared by Jackson Clemments Burrows</u></p> 
Development should provide for a mix of dwelling sizes including 1, 2 and 3 bedroom dwellings.	Achieved.	<p>The proposal includes a mix of dwelling sizes. Specifically, the proposal includes:</p> <ul style="list-style-type: none"> • 61 x one bedroom apartments. • 133 x two bedroom apartments. • 29 x three bedroom apartments.
<p>Built form that exceeds 8 storeys must meet the following criteria, to the satisfaction of the Responsible Authority:</p> <ul style="list-style-type: none"> • <i>How the development meets the design objectives of this schedule.</i> 	Achieved.	<p>The additional building height beyond the discretionary 8-storey provision is acceptable on the basis that it meets the design objectives of DDO26, that the development is of exemplary design quality, and that the visual impacts on the existing dwellings and parkland are mitigated through the design response.</p>

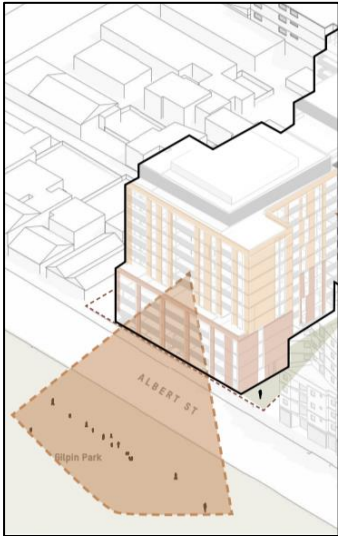
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<ul style="list-style-type: none"> • <i>How the development is of exemplary design quality (i.e. substantially superior to an acceptable design), particularly with regard to the external presentation of development and ground level street and park interfaces.</i> • <i>How the visual impacts of the development on existing dwellings and parkland are mitigated through the design response.</i> 		<p>In this regard:</p> <ul style="list-style-type: none"> • The proposal will contribute towards the broader State housing targets where these areas are anticipated to accommodate the greatest growth. • The proposal will deliver the north-south pedestrian link open to sky. • The proposal provides an east-west pedestrian link between Clifton Park and the laneway to the west. • A generous publicly accessible pocket park along the western boundary is to be delivered as part of the development. • The proposal provides an upgrade to Albert Street through street tree planting and a new wombat crossing from the site to Gilpin Park to the south. • The proposal features articulated facades with varying materials, finishes, balconies and openings, and will complement the surrounding area. • The visual impacts of the proposal, when viewed from Clifton Park, Gilpin Park, and existing dwellings in the surrounds, have been mitigated through: <ul style="list-style-type: none"> ○ A design response which considers ResCode including provision for a substantial built form setback from the western boundary which is achieved through a pocket park. ○ Provides a typical podium to tower form arrangement to Albert Street which avoids overshadowing impacts to the walking / running path in Gilpin Park; and ○ Includes a stepped building form with façade articulation working with the angle of the boundary interface to Clifton Park, opening up the east-west and north-south building breaks sought under DDO26. • The proposal has been sited and designed so that the existing dwellings to the west of the site continue to receive appropriate levels of solar access to secluded private open space, consistent with Standard B4-3 'Overshadowing secluded private open space' at Clause 55.04-3.
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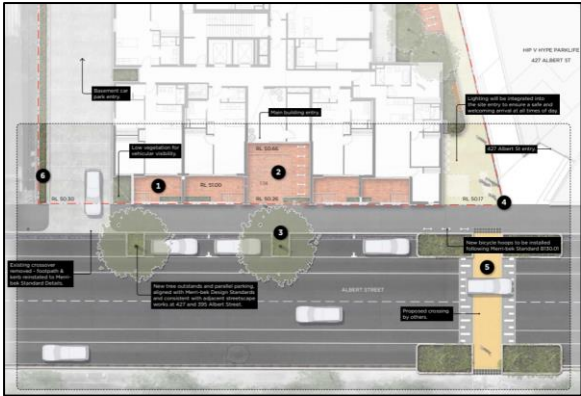
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DDO Requirement	Compliance	Comments
Albert Street Interface Development must create active frontages and dwelling entries at ground floor and primary outlooks at all levels to provide for passive surveillance and activation of Albert Street.	Achieved.	<p>The proposal provides separate entries to ground floor dwellings fronting Albert Street.</p> <p>Figure 5.9 – Ground Floor Plan – Architectural Plans prepared by Jackson Clemments Burrows</p>  <p>All apartments fronting Albert Street have windows and balconies which will provide for passive surveillance.</p> <p>Figure 5.10 – Passive Surveillance & Overlooking – Urban Context Report prepared by Jackson Clemments Burrows</p> 
		<p>A minimum 3 metre landscaped setback to Albert Street should be provided. A lesser setback may be provided if commercial or other non-residential uses are proposed at ground floor. Balconies should not</p>
		<p>Variation to Standard: Objective Achieved.</p> <p>The intent of this provision is to acknowledge the active nature of a commercial or other non-residential use. Activation is also achieved through a residential use including from direct entries from the Albert Street frontage and glazing treatment.</p> <p>In this regard, the dwellings are set back approximately 3 metres from Albert Street. Balconies are provided within the setback which will provide passive surveillance to the street.</p> <p>From a built form perspective, this treatment aligns with recent development approvals on the west side of the development.</p>

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encroach into the setback.		Landscaping features are adopted through the street tree upgrades along Albert Street and opportunities for planting within the respective balcony areas.
Development must provide for the upgrade of the Albert Street footpath and street tree planting immediately adjacent to the precinct (design details to be resolved at the planning permit application stage).	Achieved.	<p>The proposal includes the upgrade of Albert Street through street tree planting and the creation of a Wombat Crossing.</p> <p><u>Figure 5.11 – Landscape Concept – Landscape Concept Town Planning Report prepared by Lat Studios</u></p> 
Access and loading areas for any retail or commercial uses should be from the side or rear of buildings fronting Albert Street.	N/A	The proposal does not include any retail or commercial uses.
Clifton Park Interface		
Buildings and private open space should be clearly separated from the boundary of Clifton Park by a public path, as per Map 1, to provide a clear delineation between the public and private realm.	Achieved.	<p>The proposal creates a visual connection between Albert Street and Clifton Park through the creation of a north-south pedestrian link from Albert Street to Clifton Park.</p> <p><u>Figure 5.12 – Laneway to Clifton Park – Urban Context Report prepared by Jackson Clemments Burrows</u></p> 
A 3 metre landscaped setback to Clifton Park should be provided, as shown in Figures 2 and 3. The setback may be reduced if	Variation to Standard: Objective Achieved.	<p>The proposal includes a varying built form setbacks at ground floor and along the eastern boundary ranging from 1 metre to approximately 10 metres.</p> <p>The building presentation to Clifton Park is derived from articulation in building form and a contribution to public realm improvements, including expanded pathway and canopy tree planting, in Clifton Park along the site interface.</p>

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commercial or other non-residential uses are proposed at ground floor. Balconies should not encroach into the setback.		<p>While the proposal is to construct the building within 1 metre of the boundary with Clifton Park, this is an outcome contemplated under DDO26 for commercial or other non-residential uses proposed at ground floor.</p> <p>The diagram within DD26 which shows the ground floor setback to Clifton Park for residential use at ground floor is on the basis that private open space forms part of that 3 metre setback.</p> <p>The ground floor dwelling are provided with acceptable private open space and with that the development provides activation and passive surveillance of Clifton Park. The proposal includes some setback which provide for the planting of canopy trees and understorey vegetation, with some of these landscape features expanding out into Clifton Park as public realm improvements.</p>
Development must create active frontages and should create dwelling entries at ground floor and primary outlooks at all levels to provide for passive surveillance and activation of Clifton Park.	Achieved.	<p>The proposal provides separate entries to ground floor dwellings fronting Clifton Park.</p> <p>All apartments fronting Clifton Park have windows and balconies which will provide for passive surveillance.</p> <p>Figure 5.13 – Eastern Boundary at Ground Floor</p> 
DDO Requirement	Compliance	Comments
Western Interface		
The siting and setbacks of any development on the western boundary of the precinct should comply with Clause 55 Standard B17, Standard B21 and Standard B22.		<p>In relation to the provisions of Clause 55:</p> <ul style="list-style-type: none"> Where there is a laneway, the setback should be taken from the centre of the laneway. Standard B2-3 applies to buildings up to 13.5 metres. <p>The required setback for a building is 8.59 metres. The west elevation is broken up into three sections for the purpose of this assessment.</p>
Any new development along the western interface of the	Achieved.	

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precinct must provide for a transition down in height to appropriately respond to the character, built form and height of the existing heritage precinct to the west.

Development should vary setbacks to upper floors to avoid poor built form outcomes.

Figure 5.14—Section 1 (abuttal to Lot 2 PS835308)



At 13.5 metres – the proposal is set back approximately 3 metres.

Figure 5.15 – Section 2 (abuttal to existing laneway)



At 13.5 metres – the proposal is set back a minimum approximately 15 metres and a maximum of approximately 17 metres. This is a substantial setback when considering the minimum permissible side setback.

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Figure 5.16 – Section 3 (abuttal to 437 Albert Street)



At 13.5 metres, the proposal is set back a minimum of approximately 8 metres. Of note, that part of the building opposite the secluded private open space area of No. 437 Albert Street is set back the greater dimension as noted above. The narrower section is opposite the side of the existing dwelling.

The proposed built form treatment along the western boundary needs to be understood holistically. Whilst there are parts of the building less than the minimum discretionary requirement, the pocket park provides for a substantial built form setback that will benefit all properties to the west.

It should also be noted that the land to the immediate west has since been rezoned to be in the Housing Choice and Transport Zone – Schedule 2 from Neighbourhood Residential Zone.

The appropriateness of the built form treatment along the western boundary is also supported by shadow diagrams which confirm the following:

- No impact to shadows for the properties at No. 50-52 Pearson Street and the vacant lot to the rear.
- Impact at 9am for a number of properties which is to be expected at this hour.
- Impact at 10am for Unit 5/44 Pearson Street, 437 Albert Street and 439 Albert Street.
- No additional shadow to any secluded private open spaces from 11am.

Circulation, Access and Parking

Development must provide for the public paths shown in Map 1.

Achieved.

The proposal provides a north-south pedestrian path open to sky between the proposed building, Clifton Park and the adjoining dwelling at 427 Albert Street together with an east-west, partly covered connection from the existing laneway to the west and Clifton Park.

The Primary Public Path shown in Map 1 must be provided and should generally be shared across the properties at 427 and 429 Albert Street. It should be a minimum

Variation to Standard: Objective Achieved.

The proposed north-south pedestrian path is publicly accessible. It has a minimum width of approximately 2 metres and is open to the sky. Whilst the minimum width is less than 3 metres, the separation between the proposal and adjoining development is in excess of 3 metres and includes landscaping, opportunities for bicycle parking and access to the ground floor apartments.

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3 metre wide public path which is open to the sky.

Figure 5.17 – Ground Floor Plan – Architectural Plans prepared by Jackson Clemments Burrows



Figure 5.18 – Ground Floor Plan – Architectural Plans prepared by Jackson Clemments Burrows



Development which fronts the Primary Public Path should be setback and designed to create active frontages to this link.

Achieved.

The proposal features a landscaped setback along the eastern interface which creates an opportunity for access to each apartment fronting the public path.

In addition, the ground floor apartments are designed to front the public path contributing to an active and engaging frontage.

Development should facilitate the creation of internal roads that will provide access to multiple stages of development to

N/A

The proposal includes a single vehicle accessway from Albert Street. An assessment of the proposed vehicle accessway is provided within the accompanying Transport Impact Assessment prepared by Eukai.

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minimise the number of individual accessways and crossovers to Albert Street.		
Land parcels should be consolidated or designed to incorporate shared vehicle access to minimise the number of vehicle crossovers to Albert Street.	N/A	As above.
Any internal roads, laneways and pedestrian paths intended to be vested in Council must be designed and constructed in accordance with Merri-bek City Council standards (including dimensions) and where appropriate make provision for two-way vehicular traffic, vehicles associated with waste management, safe pedestrian access for all, bicycles and tree planting.	Achieved.	<p>The only sections of land to be vested in Council ownership are those parts of the north-south pedestrian link located outside of the site title boundary.</p> <p>The design of the north-south link will be designed and constructed with Merri-bek City Council standards.</p>

DDO Requirement	Compliance	Comments
Circulation, Access and Parking		
Any above-basement car parking areas must be screened from view of the street and park and should be sleeved by dwellings or other uses.	N/A	The proposal does not include any above basement car parking.
All development must have legal access to a road.	Achieved.	The proposal includes one vehicle crossover from Albert Street.
The existing laneway connecting to Pearson Street at the west of the precinct should be considered for pedestrian access into the precinct. No vehicle access should be provided from this laneway into the precinct.	Achieved.	The proposal provides a publicly accessible east-west connection from the existing laneway to Clifton Park. In addition, a publicly accessible pocket park is proposed along the western boundary.

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5.5 Internal and External Amenity Considerations

Internal Amenity

The proposal is designed to provide excellent internal amenity for residents.

The provisions of Clause 58 are relevant in determining the suitability of internal amenity for the proposal. Please refer enclosed Clause 58 assessment prepared by our office.

External Amenity:

Offsite amenity impacts are minimised through the design response as detailed in Section 5.3 of this Town Planning Report and the accompanying Clause 58 assessment prepared by our office.

In particular, the proposal:

- Will have a positive impact to the surrounding community through the proposed public realm offerings which will improve access, increase the extent of open space and improve the visual appearance of the street.
- Provides appropriate separation from the 4-storey apartment to the north to promote access to daylight and allow for canopy tree planting along the boundary.
- Includes an appropriate built form separation and transition to the lower scale residencies to the west.
- Explanation of pocket park and canopy tree plantings.
- As illustrated on Drawing No. AR-9101 (Shadow Diagrams 22 September) within the enclosed Architectural Plans, the respective private open space areas associated with the existing residencies to the west will continue to have access to good levels of solar access from 11am.
- Overlooking has been considered and screening is provided to living areas and / or balconies where required.

5.6 Environmentally Sustainable Development

This application is accompanied by a Sustainability Management Plan prepared by NDY.

The proposal employs a host of environmentally sustainable design initiatives which can be summarised as follows:

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Figure 5.19 – Summary of Key ESD Initiatives – Sustainable Management Plan prepared by NDY

2.3SUMMARY OF KEY ESD INITIATIVES

The following summarises some of the key ESD initiatives targeted by the project:

- The building will be 100% electric with no natural gas infrastructure installed as part of this project.
- Appropriate metering to enable close monitoring of utility usage.
- Implementation of Building Users Guide (BUG) to inform the occupants about how to use the space in an efficient manner.
- The project is committed to achieve 7.5-star NatHERS development average with no individual dwelling achieving lesser than 6.0-star rating.
- Provision of a 25 kW_p on-site renewable energy array via installation of photovoltaic panels on available roof area. The project team will work through the exact placement of the panels in detailed designed development.
- Appropriate use of passive design i.e. maximizing natural ventilation to residential areas and shading to façade using considered placement of balconies and overhangs.
- Potable water usage reduction via high efficiency WELS rated fixtures and appliances, rainwater harvesting system and closed loop fire pump testing system.
- Water Sensitive Urban Design (WSUD) in alignment with Best Practice Environmental Management Guidelines (BPEMG).
- Best practice stormwater quality achieved via rainwater harvesting for irrigation purpose
- The development has the electrical capacity to enable EV charging to all residential car spaces, with installation undertaken subject to purchaser upgrade selections.
- Provision of convenient recycling to promote waste avoidance.
- Provision of on-site organic waste bins for waste separation.
- Provision of communal spaces for social interaction and relaxation.

Please refer to the following section for detailed summary of the proposed initiatives.

5.7
Car Parking, Traffic, Access
and Bicycle Parking
Considerations

This application is accompanied by a Traffic Impact Assessment prepared by Eukai which concludes the following:

- *The proposed development generates a statutory bicycle parking requirement of 67 bicycle spaces. The proposed bicycle parking supply of 275 spaces (which is 4 times the minimum statutory requirement) is considered appropriate to encourage cycling as a transport mode.*
- *The proposed development generates a statutory car parking requirement of 223 spaces. The proposed car parking supply of 185 spaces is considered appropriate having regard to car ownership data, relevant planning policy, the existing on-street car parking controls and access to alternative sustainable transport modes.*
- *The proposed car park and loading layouts have been designed in accordance with the requirements of the Merri-bek Planning Scheme and relevant Australian Standards.*
- *The proposed development is forecast to generate in the order of 37 and 370 vehicle movements during the peak hour and daily periods, respectively.*
- *There is adequate capacity in the surrounding road network to accommodate the forecast traffic generation from the proposed development.*

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5.8 Waste Considerations

The application is accompanied by a Waste Management Plan prepared by Onemilegrid.

The waste management arrangements for the proposal can be summarised as follows:

- The proposal includes provision for the following waste streams; garbage, recycling, organic (food) waste, glass recycling, e-waste and hard waste.
- The proposal includes a combined bin storage area of 94sqm.
- Provisions will be made within each apartment for separate small bins to ensure the separation of garbage, organic (food) waste, recycling and glass at the time of disposal.
- Residents will be responsible for disposing of waste into the appropriate waste chutes and bins located within the waste chute rooms on each level, or within the appropriate bins located within the bin storage room within the basement level.
- A private contractor will manage the collection and disposal of all waste stems associated with the development.
- Waste will be collected via a 6.4 metre rear-lift waste collection vehicle which will prop adjacent to the bin store within the hours specified by the Environmental Protection Authority.

Bin cleaning is accommodated within the bin storage area.

For further detail in relation to waste management, refer to accompanying Waste Management Plan.

5.9 Wind Considerations

This application is accompanied by a Desktop Wind Impact Assessment prepared by Mel Consultants.

The accompanying Desktop Wind Impact Assessment provides the following conclusion:

- *We have assessed the likely environmental wind conditions for the proposed development at 429 Albert Road, Brunswick, based on the drawings by Jackson Clements Burrows listed in Appendix A.*
- *The general wind conditions in the surrounding streetscapes have been assessed as satisfying the walking comfort criterion.*
- *The wind conditions in Clifton Park would be expected to satisfy the walking comfort criterion.*
- *The wind conditions in the adjacent private open spaces to the west have been assessed as satisfying the walking comfort criterion.*

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- *The wind conditions outside the ground level main entrance have been assessed as satisfying the standing comfort criterion. The wind conditions outside the entrances in the pedestrian link have been assessed as satisfying the walking comfort criterion.*
 - *The wind conditions in the pedestrian link and the gap between the proposed development and the 4 level apartment buildings to the north would be expected to satisfy the walking comfort criterion.*
 - *The wind conditions on the private balconies have been assessed as satisfying the standing comfort criterion and walking comfort criterion for middle face recessed and corner balconies, respectively.*
 - *There would be expected to be no exceedances of the pedestrian safety criterion.*
 - *The wind conditions in and around the proposed development at 429 Albert Road are recommended to be confirmed by a wind tunnel model study.*

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6 Conclusion

The proposed Planning Permit Application represent an appropriate town planning outcome for the land for the following summarised reasons:

- The proposal provides for additional housing growth in an established area within close proximity to the Brunswick Activity Centre.
- The proposal responds to its site context and enhances the public realm amenity, supports walking/cycling and public transport with quality landscaping and minimal detriment to amenity and the environment.
- The proposed height responds to the rhythm and pattern of development constructed and anticipated along Albert Street forming part of the activity centre core.
- The proposal represents an opportunity to express a built form arrival into the Brunswick Activity Centre.
- The proposed built form provides for design articulation and internal layouts that achieve a good interface with and surveillance of the public realm whilst also maximising opportunities for active frontages.
- The proposed preferred building height of up to 11 storeys already represents what has been deemed an acceptable building height within the precinct, noting that the Mirvac Albert Fields development located to the east of this site is up to 11 storeys in building height.
- The preferred building height of 11 storeys can continue to deliver the objectives for the precinct underpinned by DDO26, ensuring that new development limits any external amenity impacts such as overshadowing while encouraging improved public access through the land to Clifton Park, active frontages and passive surveillance to Clifton Park and Albert Street and clearly delineating public and private land
- The proposal provides excellent internal and external amenity for future residents.
- The proposal supports active modes of transport.
- The proposal incorporates sustainable design elements throughout the building design consistent with Councils' sustainable design initiatives and the application is supported by a Sustainability Management Plan.
- The proposal incorporates waste management practices.

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